

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION**

In re: THOMAS CHARLES HAMM, DEBTOR. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3, OBJECTING PARTY V. THOMAS CHARLES HAMM, DEBTOR, AND CHARLES J DEHART, III, CH. 13 TRUSTEE, Respondents.	BANKRUPTCY NO. 5:18-BK-03801-RNO CHAPTER 13 RELATED TO DOC. NO. 10
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OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE #10), and states as follows:

1. Debtor, Thomas Charles Hamm ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 12, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 3339 BLUEBIRD DR, BUSHKILL, PA 18324, by virtue of a Mortgage recorded on December 23, 2005 in Book 2151, at Page 1191 of the Public Records of Pike County, PA. Said Mortgage secures a Note in the amount of \$261,000.00.
3. The Debtor filed a chapter 13 plan on September 13, 2018.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$20,352.56,

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whereas the Plan proposes to pay only \$15,000.00. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$20,352.56 as the pre-petition arrearage over the life of the plan.

5. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone: 470-321-7112
Facsimile: 404-393-1425

By: /s/Kevin Buttery
Kevin Buttery, Esquire
PA Bar Number 319438
Email: kbuttery@rascrane.com

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IN RE: THOMAS CHARLES HAMM, DEBTOR. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3, OBJECTING PARTY V. THOMAS CHARLES HAMM, DEBTOR, AND CHARLES J DEHART, III, CH. 13 TRUSTEE, RESPONDENTS.	BANKRUPTCY NO. 5:18-BK-03801-RNO CHAPTER 13 RELATED TO DOC. NO. 10
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 8, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

PATRICK JAMES BEST
ARM LAWYERS
18 NORTH 8TH STREET
STROUDSBURG, PA 18360

THOMAS CHARLES HAMM
3339 BLUE BIRD DRIVE
PO BOX 758
BUSHKILL, PA 18324

CHARLES J DEHART, III (TRUSTEE)
8125 ADAMS DRIVE, SUITE A
HUMMELSTOWN, PA 17036

UNITED STATES TRUSTEE

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228 WALNUT STREET, SUITE 1190
HARRISBURG, PA 17101

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone: 470-321-7112
Facsimile: 404-393-1425

By: /s/Kevin Buttery
Kevin Buttery, Esquire
PA Bar Number 319438
Email: kbuttery@rascrane.com